THE WORKMEN'S COMPENSATION ACT, 1923 (VIII OF 1923).†

G. N., P. & S. D., No. 7685, dated 22nd July 1938 (B. G., Pt. IV-A, p. 1328). S. 2 (3)

In pursuance of sub-section (*3*) of section 2 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Government of Bombay, having given previous notice of its intention so to do, is pleased to add to Schedule II to the said Act the person—

(1) employed for the purpose of loading or unloading any mechanically propelled vehicle, or in the handling or transport of goods which have been loaded into any mechanically propelled vehicle;

(2) employed in any occupation ordinarily involving outdoor work by any Municipality or by any District Local Board.

G. N., Lab. & H. D., No. P. 35/50, dated 17th January 1951 (B. G., Pt. IV-A, p. 21). S. 16

In exercise of the powers conferred by section 16 of the Workmen's Compensation Act, 1923 (VIII of 1923) (hereinafter referred to as the "said Act"), and in supersession of the Notification of the Government of Bombay in the Political and Services Department, No. 70/34, dated the 1st November 1945, the Government of Bombay (hereinafter referred to as "Government") is pleased to direct that—

(1) an annual return in the form set forth in the Schedule hereto annexed shall be furnished by every person employing workmen who are—

(*a*) employed in a place which is a factory within the meaning of clause (*m*) of section 2 of the Factories Act, 1948;

(*b*) employed within the meaning of clause (*d*) of section 3 of the Indian Mines Act, 1923, in any mine which is subject to the operation of that Act;

(*c*) employed, otherwise than in a clerical capacity or in a factory or mine, in connection with the operation or maintenance of a tramway as defined in section 3 of the Indian Tramways Act, 1886;

(*d*) employed otherwise than in a clerical capacity within the limits of any Dock or Port subject to the Indian Ports Act, 1908;

(*e*) employed in the construction, repair or demolition of any building, etc., covered by clause (viii) of schedule II to the Workmen's Compensation Act, 1923;

(*f*) employed in any occupation ordinarily involving outdoor work by any Municipality or by any District Local Board;

(*g*) employed in any of the following categories but not falling under any of the foregoing heads (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*)—

(i) as railway servants;

(ii) as an inspector, mail-guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department;

† For entrustment of functions of the Central Government under rules 2 (*b*) and 8 of the Workmen's Compensation (Transfer of Money) Rules, 1935. see G. of I., Dept. of Lab., Notn. No. L. 1785, 21st February 1939, under section 124 (*1*) of the Government of India Act, 1935.

(iii) in the manufacture or handling of explosives in any premises whereon or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed;

(iv) in the service of any fire brigade;

(v) otherwise than in a clerical capacity in the generating, transforming or supplying of electrical energy;

(vi) in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures;

(vii) in a lighthouse as defined in clause (*d*) of section 2 of the Indian Lighthouse Act, 1927 (XVII of 1927).

(2) The return, which shall relate to a calendar year, shall be furnished on or before the 1st February following the year to which the return relates, and the first return to be furnished after the issue of this notification shall relate to the year 1951.

(3) The return shall be signed (*a*) by the employer or where there are more than one employer, by any employer, or (*b*) by any person directly responsible to the employer or employers for the management of the establishment to which it relates.

(4) The return shall be furnished to the Commissioner for Workmen's Compensation, Bombay.

(5) Notwithstanding anything hereinbefore contained the return is not required to be submitted by any employer in respect of compensation paid on account of injuries suffered by his workmen during any period for which his liability under the said Act has been insured with a Mutual Indemnity or other Insurance Company or during which he is a member of an Association of Employers which deals on behalf of its members with claims for compensation under the said Act, if such Company or Association has with the consent of the Government undertaken to submit returns as nearly as may be in the form set forth in the Schedule hereto annexed in respect of the employers insured with such Company or belonging to such Association. Such undertaking shall provide that the said returns shall be submitted not later than the 1st February, or at the discretion of and subject to such conditions as may be imposed by Government, the 1st March following the year to which they relate.

SCHEDULE.

WORKMEN'S COMPENSATION.

Return relating to period from ..... to 31st December 195 .

State .....
District .....
Town or village .....
Post Office..... } (To be omitted in case of railways.)

Name of establishment[1] .....

Nature of work[2] .....

Average numbers[3] employed per day { Adults ..... Minors ..... }

	Accidents.					
	Number of cases of injuries[4] in respect of which final compensation has been paid during the year.			Amount of compensation[5] paid.		
	Death.	Permanent Disablement.	Temporary Disablement.[6]	Death.	Permanent Disablement.	Temporary Disablement.[7]
				Rs.	Rs.	Rs.
Adults ...						
Minors ...						

	Occupational Diseases[8].						
	Number of cases of diseases[4] in respect of which final compensation has been paid during the year.				Amount of compensation[5] paid.		
	Nature of Disease.[9]	Death.	Permanent Disablement.	Temporary Disablement.[6]	Death.	Permanent Disablement.	Temporary Disablement.[7]
					Rs.	Rs.	Rs.
Adults ..							
Minors ..							

(Signed) .....

Designation .....

Dated 19

[1] In cases where more establishments than one are owned by the same employer, a separate return should be furnished for each establishment. When in any establishment the workmen employed fall in two or more of the distinct categories to which the return relates [*e.g.*, in the case of a tea estate categories A and E (*v*)] a separate sheet should be used for the statistics of each category.

[2] Enter the class of establishment according to the process or product, *e.g.*, cotton weaving and spinning factory, coal mine.

[3] Include all employees whether permanent or temporary who would, in the case of accidents, be eligible for compensation under the Act and for whom a return is required to be furnished. **Numbers employed should be shown even if there are no payments of compensation to report.**

[4] Include only those cases in which the *final* payment of compensation was made during the year. A deposit with the Commissioner should be treated as a payment by the employer.

[5] Include all compensation paid in respect of the cases mentioned in footnote[4], whether such compensation was paid during the year or previous to its commencement. Exclude all payments in cases in which the final payment had not been made by the end of the year to which the return relates.

[6] Only such disablements as last for more than seven days should be shown [section 4 (*1*) D of the Act].

[7] Where the benefit actually allowed (*e.g.*, hospital leave on full pay) is in excess of the compensation admissible under the Act, only the amount of the compensation so admissible should be entered in the return.

[8] *Viz.*, anthrax, lead poisoning, phosphorus poisoning, mercury poisoning, benzene poisoning, chrome ulceration and compressed air illness only.

[9] Enter separately each of the diseases specified in footnote [8] which resulted in cases in respect of which compensation was paid.

S. 20 (1) **G. N., G. D., No. 4486, dated 16th May 1924 (B. G., Pt. I, p. 1137).**

Modified by G. N., P. & S. D., No. S. 20/11, dated 20th March 1940.

Under section 20 (*1*) of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor in Council is pleased to appoint [a] and to appoint the following officers as *ex-officio* Commissioners under the Act :—

(*a*) Judge of the Small Causes Court at District Headquarter—for Poona District.

(*b*) First Class Subordinate Judge at Nadiad—for Kaira District.

(*c*) Second Class Subordinate Judges of the local Courts—for Hubli and Gadag.

(*d*) Second Class Subordinate Judges at District Headquarters—for Districts of Panch Mahals and Kolaba.

(*e*) [*Deleted.*]

(*f*) First Class Subordinate Judges at District Headquarters—for other districts.

S. 20 (1) **G. N., P. & S. D., No. S. 20/11, dated 20th March 1940 (B. G., Pt. IV-A, p. 408).**

In exercise of the powers conferred by sub-section (*1*) of section 20 of the Workmen's Compensation Act, 1923 (VIII of 1923), and in partial modification of Government Notification in the General Department, No. 4486, dated the 16th May 1924, so far as it relates to the appointment of the Second Class Subordinate Judge at the District Headquarters of the Kolaba District, as *ex-officio* Commissioner under the Workmen's Compensation Act, 1923, for the Kolaba District, Government is pleased to appoint the Second Class Subordinate Judge, Roha and Pen, as *ex-officio* Commissioner for Workmen's Compensation for the district of Kolaba for such period as the Court at Alibag remains vacant.

S. 20 (1) **G. N., P. & R. D., No. 9920, dated 27th August 1934 (B. G., Pt. I, p. 1922).**

Amended by G. N., P. & S. D., No. 9920, dated 29th June 1943.

In exercise of the powers conferred by sub-section (*1*) of section 20 of the Workmen's Compensation Act, 1923 (VIII of 1923), and in supersession of Government Notifications, specified in the margin, the Governor in Council is pleased to appoint, with effect from the 15th September 1934,

Government Notification, General Department, No. 5722, dated the 15th December 1924.
Government Notification, General Department, No. 5722, dated the 27th February 1926.
Government Notification, General Department, No. 5722, dated the 8th June 1926.
Government Notification, Political Department, No. S. 20/11, dated the 11th March 1933.

[a] The portion appointing an officer by name has been omitted.

(1) * * * * * *

(2) The officers mentioned in column 1 of the following table to be *ex-officio* Commissioners for Workmen's Compensation in respect of the areas specified against them in column 2 thereof:—

Table.

Designation of Officers.	Areas.
1	2
(1) Judge of the Small Causes Court, Ahmedabad.	Ahmedabad District.
(2) First Class Sub-Judge, Sholapur ..	Sholapur District.
(3) First Class Sub-Judge, Jalgaon ..	East Khandesh District.
(4) First Class Sub-Judge, Surat ..	Surat District.
(5) First Class Sub-Judge, West Khandesh.	West Khandesh District.
(6) First Class Sub-Judge, at headquarters of the Broach and Panch Mahals District.	Panch Mahals Sub-Division of the Broach and Panch Mahals District.
(7) Additional First Class Sub-Judge, Broach District.	Broach Sub-Division of the Broach District.

2. The appointment of officers mentioned at Nos. (1), (2) and (3) of the table shall be for a period of one year.

G. N., Lab. D., No. 105/48, dated 8th October 1949 (B. G., Pt. I, p. 6753). S. 20 (1)

Amended by G. N., Lab. & H. D., No. 105/48, dated 9th October 1950.
Amended by G. N., Lab. & H. D., No. 105/48, dated 18th June 1952.

In exercise of the powers conferred by sub-section (*1*) of section 20 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Government of Bombay is pleased to appoint the officers mentioned in column 1 of the following table to be *ex-officio* Commissioners for Workmen's Compensation in respect of the areas specified against them in column 2 thereof:—

Table.

Designation of Officers.	Areas.
1	2
Civil Judge, Senior Division, Kolhapur ...	Kolhapur District.
Civil Judge, Senior Division, Baroda ...	Baroda District.
Civil Judge, Senior Division, Mehsana ...	Mehsana District.
Civil Judge, Junior Division, Amreli ...	Amreli District, excluding Okhamandal Taluka.
Civil Judge, Junior Division, Okhamandal ...	Okhamandal Taluka of the Amreli District.

S. 20 (1) **G. N., Lab. & H. D., No. 38/48, dated 23rd January 1951 (B. G., Pt. I, p. 581).**

In exercise of the powers conferred by sub-section (*1*) of section 20 of the Workmen's Compensation Act, 1923 (VIII of 1923), and in supersession of Government Notification, Political and Reforms Department, No. 9920, dated 10th September 1936, the Government of Bombay is pleased to appoint the officers mentioned in column 1 of the following table to be *ex-officio* Commissioners for Workmen's Compensation in respect of the areas specified against them in column 2 thereof :—

Table.

Designation of Officers.	Areas.
1	2
(1) Judge, Labour Court, Sholapur ...	... Sholapur District.
(2) Judge, Labour Court, Jalgaon ...	... East Khandesh District.

S. 32 Workmen's Compensation Rules, 1924.

G. of I., Dept. of Industries and Lab., Notn. No. L. 1182, dated 26th June 1924, as amended up to the end of 1940.

In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor General in Council* is pleased to make the following rules :—

PRELIMINARY.

Short title. 1. These rules may be called the Workmen's Compensation Rules, 1924.

2. In these rules, unless there is anything repugnant in the subject or context,—

Definitions.
(*a*) "the Act" means the Workmen's Compensation Act, 1923;
(*b*) "Form" means a form appended to these rules;
(*c*) "section" means a section of the Act.

PART I.

REVIEW OF HALF-MONTHLY PAYMENTS AND COMMUTATION THEREOF.

When application may be made without medical certificate.

3. Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate—

(*a*) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;

(*b*) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(*c*) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

(*d*) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(*e*) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

Procedure on application for review.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction

* The powers under section 32 now vest in the State Government.

or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent. of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

Deposit of Compensation.

Deposit under section 8 (*1*).

6. (1) An employer depositing compensation with the Commissioner under sub-section (*1*) of section 8 in respect of a workman whose injury has resulted in death shall furnish therewith a statement in Form A, and shall be given a receipt in Form B. In other cases of deposits with the Commissioner under sub-section (*1*) of section 8, the employer shall furnish a statement in Form AA, and shall be given a receipt in Form B.

(2) If, when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1) that he desires to be made a party to the distribution proceedings, the Commissioner shall before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman or, as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (*4*) of section 8 shall be in Form C.

Publication of lists of deposits.

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (*1*) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

Application by dependants for deposit of compensation.

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form G.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these rules:

Provided that—

(*a*) the Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf.

(*b*) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If, after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (*1*) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join the application.

Deposit under section 8 (*2*).

9. An employer depositing compensation in accordance with sub-section (*2*) of section 8, shall furnish therewith a statement in Form D, and shall be given a receipt in Form E.

Investment of money.

10. Money in the hands of Commissioner may be invested for the benefit of the dependants of a deceased workman in Government securities or Post Office Cash Certificates, or may be deposited in a Post Office Savings Bank.

PART III.

Reports of Accidents.

Report of fatal accidents.

11. The report required by section 10B shall, subject to such rules, if any, as may be made by the State Government, be in Form EE.

Right of employer to present memorandum when information received.

12. (1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV.

Medical Examination.

Workman not to be required to submit to medical examination save in accordance with rules.

13. A workman who is required by sub-section (*1*) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this Part and not otherwise.

Examination when workman and medical practitioner both on premises.

14. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination in other cases.

15. In cases to which rule 14 does not apply the employer may—

(*a*) send the medical practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner, or

(*b*) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

Provided that—

(*i*) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m., and

(*ii*) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

Restriction on number of examinations.

16. A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Examination after suspension of right to compensation.

17. If a workman whose right to compensation has been suspended under sub-section (*2*) or sub-section (*3*) of section 11, subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

Examination of women.

18. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V.

PROCEDURE.

Introductory.

19. Save as otherwise provided in these rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this Part.

Applications.

20. (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

Production of documents.

21. (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be shall not, without the sanction of the Commissioner, be admissible in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

Application presented to wrong Commissioner.

22. (1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 26), accordingly.

(3) The Commissioner to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Examination of applicant.

23. (1) On receiving an application of the nature referred to in section 22, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in section 25.

Summary dismissal of application.

24. (1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 23, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(2) The dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

Preliminary inquiry into application.

25. If the application is not dismissed under rule 24, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

Notice to opposite party.

26. If the Commissioner does not dismiss the application under rule 24 or rule 25, he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

Appearance and examination of opposite party.

27. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

Framing of issues.

28. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

Power to postpone trial of issues of fact where issues of law arise.

29. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Diary.

30. The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

Reasons for postponement to be recorded.

31. If the Commissioner finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

Judgment.

32. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

Summoning of witnesses.

33. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

Exemption from payment of costs.

34. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

Right of entry for local inspection.

35. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection.

36. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their respresentatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under subsection (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fee, shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

Power of summary examination.

37. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examinining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

Agreement to abide by Commissioner's decision.

38 (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide..

Procedure where indemnity claimed under section 12 (2).

39. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form J.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings ; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is

entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form JJ.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in Form JJ or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him: Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

Procedure in connected cases.

40. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1) the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.

Certain provisions of Code of Civil Procedure, 1908, to apply.

41. Save as otherwise expressly provided in the Act or these rules the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 and 15 to 30; Order IX; Order XIII, rules 3 to 10; Order XVI, rules 2 to 21; Order XVII; and Order XXIII, rules 1 and 2, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that—

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(*b*) the Commissioner may, for sufficient reason, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Provision regarding signature of forms.

42. Any form, other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Apportionment of compensation among dependants.

43. The provisions of this Part, except those contained in rules 26, 27 and 39 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI.

TRANSFER.

Transfer for report.

44. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (*2*) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

Transmission of money.

45. Money transmitted by one Commissioner to another in accordance with sub-section (*2*) of section 21 shall be transmitted either by remittance transfer receipt, or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII.

APPOINTMENT OF REPRESENTATIVES.

When representative must be appointed.

46. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purposes of the proceeding.

When new representative to be appointed.

47. If the Commissioner considers that the interests of any party for whom a representative has been appointed under rule 46 are not being adequately protected by that representative or if a person appointed to act as representative dies or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII.

RECORD OF MEMORANDA OF AGREEMENT.

Form of memorandum.

48. Memoranda of agreement sent to the Commissioner under sub-section (*1*) of section 28 shall unless the Commissioner otherwise directs be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form K or Form L or Form M, as the case may be.

Procedure where Commissioner does not consider that he should refuse to record memorandum.

49. (1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form N to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed :

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Commissioner shall record the memorandum unless after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded :

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form O.

Procedure where Commissioner considers he should refuse to record memorandum.

50. (1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form P or Form Q, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub-rule (1) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 49.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

Procedure on refusal to record memorandum.

51. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

Registration of memorandum accepted for record.

52. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form R, and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely :—

"This memorandum of agreement bearing Serial No. of 19 in the register has been recorded this day of

(Signature)

Commissioner."

FORM A.

[*See* Rule 6 (1)]

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

[*Section 8 (1) of the Workmen's Compensation Act, 1923.*]

Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on.....

Name.....

Father's Name.....
(Husband's name in case of married woman and widow.)

Caste.....

Local address .....

Permanent address.....

$\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs. ..... $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of $\frac{\text{his}}{\text{her}}$ death.

2. The said workman had, prior to the date of his/her death received the following payments, namely :—

Rs. ..... on..... Rs. ..... on.....

Rs. ..... on..... Rs. ..... on.....

Rs. ..... on..... Rs. ..... on.....

amounting in all to Rs.....

3. An advance of Rs.....has been made on account of compensation to.....being $\frac{\text{his}}{\text{her}}$ dependant.

4. *I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated.....*19*

.....

Employer.

* An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM D.

[*See* Rule 9.]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS, OTHER THAN TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

[*Section 8 (2) of the Workmen's Compensation Act, 1923.*]

Compensation amounting to Rs.....is hereby presented for deposit in respect of $\frac{\text{permanent}}{\text{temporary}}$ injuries sustained by.....residing at..... .....which occurred on 19

Dated.....19 .....
Employer.

FORM E.

[*See* Rule 9.]

RECEIPT FOR COMPENSATION.

[*Deposited under section 8 (2) of the Workmen's Compensation Act, 1923.*]

Book No. Receipt No. Register No.

Depositor .....

In favour of .....

Date of deposit.....19

Sum deposited Rs.....

.....
Commissioner.

FORM EE.

[*See* Rule 11.]

REPORT OF FATAL ACCIDENTS.

To

.....

Sir,

I have the honour to submit the following report of an accident which occurred on.....(date), at .....(here enter details of premises).....and which resulted in the death of the $\frac{\text{workman}}{\text{workmen}}$ of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the workman/workmen were as under :—

(*a*) Time of the accident :
(*b*) Place where the accident occurred :
(*c*) Manner in which deceased was/were employed at the time :
(*d*) Cause of the accident :
(*e*) Any other relevant particulars :

I have, etc.

Signature and designation of person making the report.

Statement.

Name.	Sex.	Age.	Nature of employment.	Full postal address.

FORM F.

[*See* Rule 20.]

APPLICATION FOR COMPENSATION BY WORKMAN.

To the Commissioner for Workmen's Compensation.

.....

residing at ....., applicant

versus

.....

residing at ....., opposite party.

It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the opposite party on the.....day of.....19..... received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (*here insert briefly in ordinary language the cause of the injury.*).....
.....
.....

(2) the applicant sustained the following injuries, namely :—

.....
.....

(3) the monthly wages of the applicant amount to Rs..... the applicant is $\frac{\text{over}}{\text{under}}$ the age of 15 years.

*(4) (*a*) Notice of the accident was served on the.....day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....
.....

(5) the applicant is accordingly entitled to receive—

(*a*) half-monthly payments of Rs.....from the.....day of.....19.....to.....

(*b*) a lump sum payment of Rs.....

(6) the applicant has taken the following steps to secure a settlement by agreement, namely.....
.....
but it has proved impossible to settle the questions in dispute because-
.....
.....

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) whether the applicant is a workman within the meaning of the Act ;

(*b*) whether the accident arose out of or in the course of the applicant's employment ;

(*c*) whether the amount of compensation claimed is due, or any part of that amount ;

(*d*) whether the opposite party is liable to pay such compensation as is due ;

(*e*) etc., (as required).

.....*Applicant.*

Dated.....19

* Strike out the clauses which are not applicable.

FORM G.

[*See* Rule 20.]

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To the Commissioner for Workmen's Compensation.

.....

residing at.....

....., applicant

versus

.....

residing at....., opposite party.

It is hereby submitted that—

(1).....a workman employed by (a contractor with) the opposite party on the.....day of .....19.....received personal injury by accident arising out of and in the course of his employment resulting in his death on the.....day of.....19..... The cause of the injury was (*here insert briefly in ordinary language the cause of the injury*).....
.....

(2) The applicant(s) $\frac{\text{is a}}{\text{are}}$ dependant(s) of the deceased workman being his
.....

(3) The monthly wages of the deceased amount to Rs.....
The deceased was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of his death.

*(4) (*a*) Notice of the accident was served on the.....day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....
.....
.....

(5) The deceased before his death received as compensation the total sum of Rs. .....

(6) The applicant(s) $\frac{\text{is}}{\text{are}}$ accordingly entitled to receive a lump sum payment of Rs. .....

You are therefore requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

.....*Applicant.*

Dated.....*19* .

* Strike out the clauses which are not applicable.

FORM H.

[*See* Rule 20.]

APPLICATION FOR COMMUTATION.

(*Under section 7 of the Workmen's Compensation Act, 1923.*)

To the Commissioner for Workmen's Compensation,

.....

residing at.....

....., applicant

versus

.....

residing at....., opposite party.

It is hereby submitted that—

(1) The $\frac{\text{applicant}}{\text{opposite party}}$ has been in receipt of half-monthly payments from..... .....to.....in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (*a*) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(*b*) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders—

(*a*) directing that the right to receive half-monthly payments should be redeemed,

(*b*) fixing a sum for the redemption of the right to receive half-monthly payments.

.....*Applicant.*

Dated .....*19* .

FORM J.

[*See* Rule 39.]

NOTICE.

Whereas a claim for compensation has been made by.....applicant, against.....and the said.....has claimed that you are liable under section 12 (*2*) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....

Commissioner.

Dated.....*19* .

FORM JJ.

[*See* Rule 39.]

NOTICE.

Whereas a claim for compensation has been made by.....applicant, against .....and the said .....has claimed that ..... is liable under section 12 (*2*) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said .....on notice served has claimed that you.....stand to him in the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party.....
In default of your appearance you will be deemed to admit the validity of any award made against the opposite party.....and your liability to indemnify the opposite party.....for any compensation recovered from him.

.....

Commissioner.

Dated.....*19* .

FORM K.

[*See* Rule 48.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....day of .....19.....personal injury was caused to..... .....residing at .....by accident arising out of and in the course of employment in..... The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning $\frac{\text{more than of his previous}}{\text{any}}$ wages for a period of ..... months. The said workman has been in receipt of half-monthly payments which have continued from the.....day of ..... 19.....until the.....day of.....19..... amounting to Rs. .....in all. The said workman's monthly wages are estimated at Rs..... The workman $\frac{\text{is over the age of 15 years}}{\text{will reach the age of 15 years on .....}}$

It is further submitted that.....the employer of the said workman has agreed to pay, and the said workman has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer .....
Witness .....

Signature of workman .....
Witness .....

(NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible).

Receipt (to be filled in when the money has actually been paid):

In accordance with the above agreement, I have this day received the sum of Rs.....

.....

.....Workman.

Dated.....*19* .

The money has been paid and this receipt signed in my presence.

.....Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, egrement when workman is under legal disability, etc.

FORM L.

[*See* Rule 48.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....day of.....19..... personal injury was caused to....., residing at..... by accident arising out of and in the course of his employment in .....
.....
.....
The said injury has resulted in permanent disablement to the said workman of the following nature, namely :— .....
The said workman's monthly wages are estimated at Rs.....
The workman $\frac{\text{is over the age of 15 years.}}{\text{will reach the age of 15 years on.....}}$ The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs.....on..... Rs.....on.....

Rs.....on..... Rs.....on.....

Rs.....on..... Rs.....on.....

It is further submitted that....., the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer.....

Witness .....

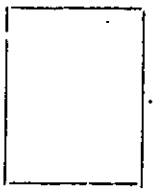
Signature of workman.....

Witness .....

NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....



.....Workman.

Dated.....*19* .

The money has been paid and this receipt signed in my presence.

.....Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

FORM M.

[*See* Rule 48.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....
.....day of .....19 ....., personal injury was caused to ....., residing at .....by accident arising out of and in the course of employment in.....
.....
The said injury has resulted in temporary disablement to the said workman, who is at present in receipt $\frac{\text{wages amounting to Rs.....per month}}{\text{no wages}}$. The said workman's monthly wages prior to the accident are estimated at Rs..... The workman is subject to a legal disability by reason of.....

It is further submitted that.....the employer of the workman has agreed to pay and.....on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs..... for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Act on account of an alteration in the earnings of

the said workman during disablement. It is further stipulated that all rights of commutation under section 7 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated .....

Signature of employer.....

Witness .....

Signature of workman .....

Witness .....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible).

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....Workman.

Dated .....*19* .

The money has been paid and this receipt signed in my presence.

.....Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, etc.

FORM N.

[*See* Rule 49.]

Whereas an agreement to pay compensation is said to have been reached between .....and ..... and whereas .....has/have applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that the said agreement will be taken into consideration on..... 19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....
Commissioner.

Dated.....*19* .

MO-B Bk. H. 715—77a

FORM O.

[*See* Rules 49 and 50.]

Take notice that registration of the agreement to pay compensation said to have been reached between you.....and .....on the .....19 has been refused for the following reasons, namely :—

.....

.....

.....

.....
Commissioner.

Dated .....*19* .

FORM P.

[*See* Rule 50.]

Whereas an agreement to pay compensation is said to have been reached between

.... and

..... and whereas .....

$\frac{\text{has}}{\text{have}}$ applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

....

an opportunity will be afforded to you of showing cause on.....19 , why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

.....
Commissioner.

Dated .....*19* .

FORM Q.

[*See* Rule 50.]

Whereas an agreement to pay compensation is said to have been reached between ..... and .....and whereas .....has/have applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :— .....
.....
an opportunity will be afforded to the said.....of showing cause on.....19 , why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

.....
Commissioner.

Dated.....*19* .

FORM R.

[*See* Rule 52.]

Register of agreements for the year 19 .

Serial number.	Date of agee-ment.	Date of registra-tion.	Employer.	Workman.	Initials of Commissioner.	Reference to orders rectifying the register.

S. 82 Bombay Workmen's Compensation Rules, 1934.

G. N., P. & R. D., No. 9920, dated 19th September 1934 (B. G., Pt. I, p. 2090).

In exercise of the powers conferred by section 33* of the Workmen's Compensation Act, 1923 (VIII of 1923), and in supersession of Government notifications, specified in the margin, the Governor in Council is pleased to make the following rules, namely :—

(1) Government Notification, General Department, No. 4486, dated the 2nd July 1924.
(2) Government Notification, General Department, No. 5925, dated the 12th February 1925.
(3) Government Notification, General Department, No. 4486, dated the 12th January 1926.
(4) Government Notification, Political and Reforms Department, No. 9920, dated the 26th February 1934.

Part I.

PRELIMINARY.

1. *Short title.*—These rules may be called the Bombay Workmen's Compensation Rules, 1934.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "The Act" means the Workmen's Compensation Act, 1923.
(*b*) "Form" means a form appended to these rules.
(*c*) "Section" means a section of the Act.

Part II.

SCALES OF COSTS AND THE FEES PAYABLE IN RESPECT OF PROCEEDINGS BEFORE A COMMISSIONER.

3. *Costs.*—(1) Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

(2) The costs which may be awarded shall include—

(*a*) the charges necessarily incurred on account of court fees ;
(*b*) the charges necessarily incurred on subsistence money to witnesses ; and
(*c*) pleader's fees on the scale prescribed in the following rule.

(3) In any proceeding involving an application for compensation in the form of a lump sum, an application for commutation or an application for indemnification, the fee allowed shall be Rs. 10 subject by special order of the Commissioner to diminution to a sum not less than Rs. 5 and to increase to a sum not more than Rs. 50 for each such proceeding. In all other applications, the fee allowed shall be Rs. 5 subject to increase by special order to a sum not exceeding Rs. 20.

(4) When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

* Corresponding to clauses (*i*) to (*n*) of section 32 (2) of the Act as amended by the Adaptation Order.

(5) When several defendants having substantially one defence to make employ several pleaders, they shall be allowed one set of costs only. In such cases, it will be for the applicant, at the time of hearing, to ask for a direction of the Court that separate costs be not allowed.

(6) When two or more defendants having separate substantial defences have engaged the services of one pleader, they shall be allowed separate sets of costs, In this case, it will be for the defendants interested to apply at the hearing for separate costs.

(7) When several defendants having separate defences are represented by separate pleaders, they shall be entitled to separate costs.

4. *Fees.*—The fees specified in column 3 of the subjoined schedule shall be payable in respect of the proceedings mentioned in the second column of the said schedule :—

SCHEDULE.

No.	Description of Proceedings.	Amount of Fees.
I.	Applications for compensation—	
	(*a*) Where compensation is claimed in the form of recurring payments.	Eight annas.
	(*b*) Where compensation is claimed in the form of a lump sum.	One rupee where the sum does not exceed Rs. 500 *plus* one rupee for each additional sum of Rs. 500 or fraction thereof.
II.	Applications for commutation—	
	(*a*) By agreement between the parties.	Eight annas.
	(*b*) In all other cases	Two rupees.
III.	Applications for the deposit of compensation—	
	(*a*) Under section 8 (*1*) of the Act ..	*Nil.*
	(*b*) Under section 8 (*2*) of the Act (in respect of each person to whom compensation is payable).	Eight annas.
IV.	Applications for distribution by dependants, for each dependant.	One rupee.

No.	Description of Proceedings.	Amount of Fees.
V.	Applications for review—	
	(*a*) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments.	Eight annas.
	(*b*) Where the half-monthly payments are sought to be converted into a lump sum.	Two rupees.
	(*c*) In all other cases	One rupee.
VI.	Applications for the registration of agreements—	
	(*a*) Where the application or the memorandum of agreement is signed by both parties.	*Nil.*
	(*b*) In all other cases	Eight annas.
VII.	Applications to summon witnesses—	
	(*a*) For the first witness mentioned in the application.	Eight annas.
	(*b*) For every subsequent witness ..	Four annas.
VIII.	Applications for indemnification ..	Three rupees.
IX.	Applications for the recovery of compensation—	
	(*a*) Under an order already passed by the Commissioner.	Eight annas.
	(*b*) In all other cases	The same fee as payable on a similar application for compensation.
X.	All applications not otherwise provided for.	Eight annas.

N.B.—In the case of an application falling under the head X the Commissioner may, if he thinks fit, permit the application to be made without fee.

5. *Applicant may be required to deposit excess fees.*—If in any case the Commissioner considers that he ought to pass orders granting relief of a different kind or to a different extent from that claimed by the applicant, and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fee which has actually been paid, the Commissioner may require the applicant to deposit fees to the extent of the difference.

Part III.

Maintenance of Registers, Language of the Court Records, Certified Copies and Allowance to Witnesses.

6. *Register of applications.*—All applications presented to the Commissioner shall be registered in a register in Form A.

7. *Register of fatal accidents.*—Every Commissioner shall maintain a separate register in Form B of fatal accidents which come to his knowledge either on account of deposits made by or on behalf of employers, or because of applications made by dependants of a deceased workman for an order for deposit and payment of compensation.

8. *Register of non-fatal accidents.*—Every Commissioner shall maintain a separate register in Form C of non-fatal accidents which come to his knowledge in any of the following ways :—

(1) On account of applications for registration of memoranda of agreements.

(2) On account of applications for commutation of half-monthly payments.

(3) On account of amount of compensation deposited with the Commissioner under section 8 (*2*).

(4) On account of applications for settlement of claim made by the injured workman.

9. *Language of the record.*—The record of the Commissioner shall be kept in the English language.

10. *Supply of certified copies to parties.*—Certified copies of any papers in any proceedings before a Commissioner should be supplied to parties in accordance with the rules in Chapter XIII (in so far as they are consistent with the Act) of the Manual of Circulars issued by the High Court of Bombay for the guidance of Civil Courts.

11. *Allowances to witnesses.*—In cases where a Commissioner has to issue summons to a witness either at the instance of a party to a proceeding before him, or on his own initiative, the allowances to be paid to the witness shall be on the same scale as obtains in the Court of Small Causes.

Part IV.

12. *Fees to assessors.*—Where in pursuance of the provisions of sub-section (*2*) of section 20 any person possessing special knowledge of any matter relevant to the case under inquiry is chosen by the Commissioner to assist him in holding the same, he shall be entitled to such fee as the Commissioner may fix, subject to a maximum of rupees fifty and a minimum of rupees twenty :

Provided that he shall be entitled to an additional fee of rupees ten—

(*a*) for each extra case if he is required to sit in more than one case on the same day ; and

(*b*) for each of the second and third days of any one case.

Part V.

Notice under Section 10-A and the Statement by the Employer in Reply thereto.

13. The notice sent by a Commissioner under sub-section (*1*) of section 10-A shall be in Form D and shall be accompanied by a copy of Form E.

14. The statement submitted by an employer under section 10-A shall be in Form E.

FORM A.

(*See* Rule 6.)

Register of Applications for the year 19

Date of presentation of the application.	Serial No.	Nature of the application.							
		For distribution.	For deposit.	For compensation.	For half-monthly payments.	For commutation.	For review.	For recovery	Application for registration of agreement.
		A	B	C	D	E	F	G	H

Miscellaneous.	Name and address of the applicant.	Name and address of the opposite party.	Claim.	Order.			Appeal.	Remarks.
				Date.	For whom.	For what amount.		
I								

FORM B.

(*See* Rule 7.)

Register of fatal accidents for the year 19 .

Serial No.	Date of information.	Date of accident.	Name of the deceased workman.	Name of the employer.	Dependants of the deceased workman.	Nature of accident and injury.	Amount of compensation and rate of monthly wages.	Date of distribution among the dependants	Remarks.

FORM C.

(*See* Rule 8.)

Register of non-fatal accidents for the year 19 .

Serial No.	Date of information.	Date of accident	Name of the workman injured.	Name of the employer	Nature of injury.		Amount of compensation and monthly wages.		Date of disposal.	Remarks.
					Permanent.	Temporary.	Lump sum.	Half-monthly.		

FORM D.

(*See* Rule 13.)

Whereas I have received information that (1) , a workman employed by you in (2) has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with section 10-A of the Workman's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice the enclosed Form with the particulars required in paragraphs 1, 2 and 3 and the particulars required in either paragraph 4 *or* 5 duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10A (2) of the said Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

Dated 19 .

(1) Insert name of workman.
(2) Insert name of establishment.

FORM E.

(*See* Rule 14.)

1. In reply to your notice dated the 19 which was received by me on the 19 , it is submitted that (1) , residing at , a workman $\frac{\text{over}}{\text{under}}$ 15 years of age employed in (2) met with an accident on the 19 as a result of which he died on the 19 . The monthly wages of the deceased amounted to Rs.

2. The circumstances in which the deceased met his death were as follows :—

3. The deceased left the following dependants(3)

*4. I admit liability to pay as compensation, on account of the deceased's death the amount of Rs. which $\frac{\text{was}}{\text{will be}}$ deposited with you $\frac{\text{on}}{\text{before}}$ the 19 .

*5. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :—

Employer.

(1) Insert name of workman.
(2) Insert name of establishment.
(3) Insert names and addresses where known.
* One of these paragraphs to be struck out.

G. N., P. & S. D., No. 4644/34, dated 13th January 1942 (B. G., Pt. IV-A, p. 51). S. 32 Bombay Workmen's Compensation (Unclaimed Deposits) Rules, 1944.

In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called the Bombay Workmen's Compensation (Unclaimed Deposits) Rules, 1941.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Workmen's Compensation Act, 1923 ;

(*b*) " Financial year " means the financial year as defined in lause (*19*) of section 3 of the General Clauses Act, 1897 (III of 1897) ;

(*c*) " Section " means a section of the Act ;

(*d*) " Treasury " means in the City of Bombay the Reserve Bank of India and elsewhere, the Government Treasury ;

(*e*) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. *Sums unclaimed for three years to be credited to State Government.*—(1) When any person to whom any lump sum referred to in sub-section (*7*) of section 8 is payable dies, the Commissioner shall make an inquiry for ascertaining the person who is entitled to claim the said sum.

(2) If the Commissioner finds that there is no person who is entitled to claim the said sum and if no person claims the said sum for a period of three years from the date of the death of the person to whom the said sum was payable it shall at the end of the financial year be paid into the Treasury to the credit of the State Government as deposit unclaimed for the eventual benefit of any person who may duly establish his claim thereto.

4. *List of sums unclaimed to be posted in the office of the Commissioner every year.*—(1) In the month of January of each year, a list showing sums which at the end of the financial year will be due for being credited to the State Government under rule 3 and the names of persons to whom the said sums were payable, shall be posted up in the office of the Commissioner.

(2) If the said sums are not claimed by any persons before the 25th March in that year, the Commissioner shall pay the said sums into the Treasury to the credit of the State Government on the forenoon of 31st March in that year.

(3) In the month of April following, the Commissioner shall furnish the Accountant General, Bombay, a statement of all the sums credited to the State Government showing separately the said sums in serial order, the names of persons to whom they were payable and the dates on which the said sums were credited to the State Government.

5. *Refund.*—If any person proves to the satisfaction of the Commissioner that he is entitled to any sum credited to the State Government under sub-rule (2) of rule 3, the Commissioner shall make an application in the form A annexed hereto to the Accountant General, Bombay, for the refund of the said sum and the Accountant General, Bombay, shall refund the said sum to the Commissioner after verifying that it had been received by him and was credited to the State Government under sub-rule (2) of rule 3.

FORM A.

(Rule 5.)

Application for refund.

Office of the Commissioner for Workmen's Compensation,*

Date

To

The Accountant General, Bombay.

Sir,

I have the honour to report that a claim has been preferred by for a sum of Rupees (Rupees) bearing Serial No. of 19 in the statement furnished to you under sub-rule (3) of rule 4 of the Bombay Workmen's Compensation (Unclaimed Deposits) Rules, 1941, which was credited to the State Government on the day of 19 .

2. I have satisfied myself of the validity of the claim, and request that the Treasury Officer may be authorised to refund the said sum.

I have the honour to be,

Sir,

Your most obedient servant,

Commissioner for Workmen's Compensation,*

*Here insert the name of the area for which a Commissioner has been appointed under section 29 of the Act.

Rule 2 (b) **G. N., P. & R. D., No. 61/34, dated 10th April 1935 (B. G., Pt. I, p. 706).**

In exercise of the powers conferred by rule 2 (*b*) of Workmen's Compensation (Transfer of Money) Rules, 1935, published in the notification of the Government of India (Department of Industries and Labour), No. L. 3033, dated the 13th March 1935, the Governor in Council is pleased to designate the Commissioner for Workmen's Compensation, Bombay, as the authorised officer generally for the purpose of performing the functions as assigned by the said rules to the authorised officer.